

**To:** Evangelista, Mark[Evangelista.Mark@epa.gov]  
**Cc:** Keating, Martha[keating.martha@epa.gov]; Jones, Rhea[jones.rhea@epa.gov]  
**From:** Palma, Elizabeth  
**Sent:** Tue 6/24/2014 2:33:20 PM  
**Subject:** Status of Regional Recommendations for the 2012 annual PM2.5 NAAQS  
R10 Recommendations for 2012 Annual PM2.5 Designations process  
Region 5 PM Designation Recommendations  
PM Designation Recommendations from Region 4  
2012 PM2.5 Designations--R9 Preliminary Positions  
RE: R2 Nonattainment Area Regional Recommendation

Here's what I have so far with the emails attached. I need to make a few edits to my summary table, but will have this later today.

Beth

R1 – no involved areas; no recommendation

R2 – attached

R3 – have not received; briefing ADDs on Wed 6/25

R4 – attached

R5 – attached

R6 – have not received

R7 – 

<b>Deliberative</b>
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R8 – no involved areas; no recommendation

R9 – attached

R10 - attached

Intended Designations for the  
2012 National Ambient Air Quality Standards for Fine Particles (Annual Standard of 12 ug/m<sup>3</sup>)  
Roll-Out Plan

Statement:

Today, EPA sent letters to U.S. Governors and Tribal leaders informing them of the Agency's intended designations, including area boundaries, for the 2012 annual standards for fine particle pollution. Working closely with states and tribes, EPA proposed that 14 areas in six states do not meet the 2012 annual standard based on air quality monitoring data, recommendations from the states and other technical information. The remaining areas of the country would be designated as either meeting the standard or unclassifiable, meaning there is not enough information at this time to determine whether or not the area is meeting the standard. States and tribes will have 120 days to work with and provide additional information to EPA before the Administrator makes final decisions for area designations.

This is a preliminary step in the designations process. The agency's approach to identifying these areas will improve air quality, protect public health and will ensure that the designations are based on high-quality and complete datasets. National clean air programs such as EPA's standards to reduce power plant emissions will contribute to air quality improvements and will help areas meet the standards. EPA will continue to work closely with states and tribes to finalize these proposed decisions and the public will have the opportunity to provide input for 30 days following the publication of a notice in the Federal Register.

If asked about unclassifiable designation

On August 19, 2014, EPA Regional Administrators is sending letters to U.S. Governors and tribal leaders informing them of the Agency's intended designations, including area boundaries, for the annual fine particle standard of 12 ug/m<sup>3</sup> set in December 2012 (updated from the previous standard of 15 ug/m<sup>3</sup>). EPA intends to:

- Designate 14 areas (in six states) with monitors that violate the standards as "non-attainment".
- Notify specific officials that through EPA regularly scheduled technical audits of non-EPA state, local or privately owned laboratories, we discovered data quality issues at 6 non-EPA labs that affected designations as "unclassifiable" because data to determine their status is incomplete.

The non-EPA labs cover:

- 5 areas (primarily in Georgia, but also affecting single counties in South Carolina and Alabama) that we will defer action on for one year because EPA believes that an additional year of monitoring data will result in 3 years of complete and valid data needed for designations. A small portion of the monitoring data from these areas was impacted by a winter storm that caused a power outage at the state-run lab responsible for processing the data.
- As well as 2 territories and 1 area of Indian country, 3 areas in Georgia, the entire state of Tennessee (except for 3 counties in the Chattanooga area), the entire state of Illinois, and 2 counties in Indiana and 4 counties and 1 city in Missouri (related to the unclassifiable status of Illinois). As a result, the agency is invalidating PM<sub>2.5</sub> data from a number of monitoring sites that would have been used to assess compliance with the 2012 PM<sub>2.5</sub> NAAQS. EPA is working to ensure corrective actions are taken at each of the affected laboratories.

### **Tough Q and A:**

#### **1. What factors did EPA consider to reach these decisions?**

When determining the boundaries for each intended nonattainment area, the EPA began by identifying each monitor or group of monitors that indicated a violation of the 12.0  $\mu\text{g}/\text{m}^3$  standard, and then evaluated contribution by considering those counties in the entire metropolitan area (e.g., Core Based Statistical Area (CBSA) or Combined Statistical Area (CSA)) in which the violating monitor(s) is (are) located. The EPA also evaluated counties adjacent to the CBSA or CSA that have emissions sources with the potential to contribute to the violation(s).

In addition, EPA recommended that states and tribes consider the following factors in assessing whether to include a county in a nonattainment area, as well as any other relevant information:

1. Air quality data
2. Emissions and emissions related data
  - Location of sources and population
  - Emissions levels and emissions controls
  - Traffic and commuting patterns
  - Growth rates and patterns
3. Meteorology (weather/transport patterns)
4. Geography/topography (mountain ranges or other air basin boundaries)
5. Jurisdictional boundaries (e.g., counties, air districts, reservations, metropolitan planning organizations)

This approach was explained to the states and tribes in a guidance document released by EPA in April 2013 entitled “*Area Designations for the 2012 Revised Annual Fine Particle National Ambient Air Quality Standard*”. This document can be found on EPA’s website:

<http://www.epa.gov/pmdesignations/>

When considering the above factor analysis, the EPA looked at directly emitted  $\text{PM}_{2.5}$  and its precursors (e.g., nitrogen oxides ( $\text{NO}_x$ ), sulfur dioxide ( $\text{SO}_2$ ), volatile organic compounds (VOC), and ammonia ( $\text{NH}_3$ )).

#### **2. Where are the nonattainment areas?**

State	Area Name
Pennsylvania	Johnstown, PA
	Delaware County, PA
	Lebanon County, PA
	Allegheny County, PA
	Allentown, PA
Kentucky-Indiana	Louisville, KY-IN

OH	Canton-Massillon, OH
	Cincinnati-Hamilton, OH-KY
	Cleveland, OH
CA	Imperial County, CA
	San Joaquin Valley, CA
	Los Angeles-South Coast Air Basin, CA
	Plumas County, CA
ID	West Silver Valley, ID

### 3. What types of sources are contributing to violations of the new annual fine particle? Standards?

Most of the fine particle pollution in the U.S. results from sulfur dioxides and nitrogen oxides that are emitted from power plants, industries, and vehicles. These pollutants undergo complex chemical reactions in the atmosphere to form what is called secondary fine particles. Primary particles are emitted directly from sources such as construction sites, unpaved roads, fields, smokestacks, and fires.

### 4. What will nonattainment areas need to do to improve fine particle air quality?

The Clean Air Act requires state and local governments to take steps to control fine particle pollution in nonattainment areas. Those steps may include stricter controls on industrial facilities and additional planning requirements for transportation-related sources. Nonattainment areas must implement “transportation conformity,” which requires local transportation and air quality officials to coordinate planning to ensure that transportation related emissions from projects, such as road construction, do not interfere with an area’s ability to reach its clean air goals. Nonattainment areas also are subject to New Source Review requirements. New Source Review is a permitting program for industrial facilities to ensure that new and modified sources of pollution do not impede progress toward cleaner air.

### 5. Why is EPA classifying these potential nonattainment areas? I thought that was only for ozone.

The designations process is applicable to all of National Ambient Air Quality Standards (NAAQS) that are established for the six criteria pollutants (ozone, particulate matter, sulfur dioxide, nitrogen oxides, lead, and carbon monoxide). Today’s announcement pertains only to the 2012 annual  $PM_{2.5}$  NAAQS. Historically, EPA has not classified PM nonattainment areas, but as the result of a court case in 2013 (Natural Resources Defense Council and Sierra Club v. EPA, No. 08-1250 (D.C. Cir. Jan. 4, 2013)), EPA will now initially classify all nonattainment areas (e.g., as “moderate” or “serious”).

### 6. Based on EPA’s intended designations, are there new areas that have not previously been designated as nonattainment areas for the 1997 annual $PM_{2.5}$ standard for fine particle pollution? If so, which areas?

Yes, there are two new areas that have not previously been in violation of an annual  $PM_{2.5}$  standard. These are West Silver Valley (partial Shoshone County), Idaho and Plumas County, CA. West Silver Valley has previously been nonattainment for the  $PM_{10}$  standard, but not for the  $PM_{2.5}$  standard. Plumas County has not been nonattainment for any PM standard in the past. In both of these areas,

elevated PM<sub>2.5</sub> concentrations occur primarily in the winter and are largely due to residential wood burning and local meteorology.

## **7. Will these nonattainment areas lose highway and transit funding if they don't meet the new standard?**

No. This is a common misunderstanding. Violating a standard, or being designated as nonattainment for a standard, *does not* jeopardize a community's highway or transit funds. Withholding these funds is an extraordinary measure that would only be considered if a state repeatedly failed to take actions required by the Clean Air Act. If an area acts in good faith by developing and implementing an initial plan to attain the standard but does not attain by its attainment date, highway and transit funds will not be withheld.

*More detail:*

The *possibility* of losing highway funds related to a nonattainment designation doesn't come up until several years after a designation – if it comes up at all. There are three situations that may trigger possible highway funding sanctions:

- If EPA finds that a state has failed to submit a required clean air plan (a state implementation plan, or SIP) for a nonattainment area;
- If EPA disapproves a required SIP or revision; or
- If EPA finds that a requirement of an approved SIP is not being implemented.

If EPA takes one of these actions, the Clean Air Act gives states up to two years to correct deficiencies and avoid highway sanctions. Highway sanctions have rarely been imposed. Highway fund sanctions apply only to new projects; funds for existing projects can be used even when sanctions have been applied. For more information on highway sanctions:

[http://www.fhwa.dot.gov/environment/air\\_quality/highway\\_sanctions/index.cfm](http://www.fhwa.dot.gov/environment/air_quality/highway_sanctions/index.cfm)

## **8. What is the incomplete data issue impacting the “unclassifiable” areas identified by EPA?**

Through regularly scheduled technical audits, EPA has identified quality assurance/quality control problems at four state, local or privately owned laboratories used to weigh filters used to measure fine particle pollution (PM<sub>2.5</sub>) at number of outdoor air quality monitors. As a result, the agency is invalidating PM<sub>2.5</sub> data from a number of monitoring sites that would have been used to assess compliance with the 2012 PM<sub>2.5</sub> NAAQS. EPA is working to ensure corrective actions are taken at each of the affected laboratories.

## **9. How widespread is the incomplete data problem?**

The quality assurance/quality control problems at the state, local or privately owned labs affected data from 54 monitoring sites – about 5 percent of the national PM<sub>2.5</sub> regulatory monitoring network. Based on information from our technical system audits, the problems appear to be limited to four laboratories in Georgia, Illinois, Kentucky (Louisville program) and Tennessee (two laboratories). EPA's technical system audits conducted over the past three years have not found similar data quality issues at any other laboratories that conduct PM<sub>2.5</sub> analyses.

**10. Are any of these unclassifiable areas also in nonattainment for the earlier (1997) annual PM<sub>2.5</sub> standard?**

Yes. Three of the areas that EPA intends to designate as unclassifiable are classified as nonattainment for the 1997 annual PM<sub>2.5</sub> standard. These are portions of the Atlanta, GA area; Knoxville, TN; and St. Louis, MO-IL.

**11. If the AirNow monitors were not affected, why not use those to determine whether an area is meeting the PM standards?**

Data from continuous PM<sub>2.5</sub> monitors that are approved for regulatory use were reviewed in the context of the designations process, and were used if sufficient data were available to meet requirements for comparison to the annual PM<sub>2.5</sub> standard. While some older continuous monitors that provide data for AirNow are suitable for real-time air quality reporting, they are not approved for regulatory use. Data from these monitors cannot be used to determine whether an area is meeting the PM<sub>2.5</sub> annual standard.

**12. Will EPA go back and revisit designations in the affected states once three years of valid data are available?**

Once three consecutive years of quality assured, certified data are available for an area that has been designated unclassifiable for the annual PM<sub>2.5</sub> standard, the relevant state or EPA may initiate the redesignation process. The CAA provides the EPA with discretion regarding whether and when to initiate a redesignation. The EPA may consider air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate.

**13. Is EPA also addressing areas newly violating the 24-hour standards?**

No. These initial recommendations from the states and tribes are only for the 2012 annual PM<sub>2.5</sub> NAAQS that EPA issued on December 14, 2012 (78 FR 3086, January 15, 2013). The standard was strengthened from 15.0 micrograms per cubic meter (µg/m<sup>3</sup>) to 12.0 µg/m<sup>3</sup>. This standard is in effect and EPA is moving forward with implementation as required by the Clean Air Act.

**14. How many areas are newly violating the 24-hour standards? Which areas are they?**

There are currently 24 areas that are designated nonattainment for the 2006 24-hour PM<sub>2.5</sub> standard. The current list of these areas can be found on EPA's website:

<http://www.epa.gov/airquality/greenbook/rindex.html>

**15. When will EPA act on the areas for which a designation has been deferred?**

EPA intends to defer action one year in 5 areas (in 3 states – Georgia, South Carolina, and Alabama) because there is insufficient data at this time to make a determination. However, EPA believes that an additional year of monitoring data will result in 3 years of complete and valid data needed for a designation. Accordingly, the EPA intends to defer a designation and use the additional time available to it as provided under section 107(d)(1)(B) of the Clean Air Act to assess these data and promulgate an initial area designation for these areas.

Rollout Tick-Tock:

**WEDNESDAY, AUGUST 13, 2014 – TUESDAY, AUGUST 19, 2014**

- Letters to Governors signed by RA's by 8/19/14.
- PDFs of signed letters and technical support documents posted to the Team Room by 10 am EDT for staging on PM2.5 designations website  
(<http://www.epa.gov/airquality/particlepollution/designations/2012standards/index.htm>)
- Tables with file names of 120 letter and TSDs for web are emailed by the Regions to Kristen Bremer, Beth Palma and Martha Keating

**TUESDAY, AUGUST 19, 2014**

- OCIR heads-up calls in morning
- Regional heads-up calls in morning
- OAQPS heads-up calls to ECOS, NACAA, AAPCA
- Letters emailed to governors from Regional Offices at noon, local time
- HQ website live by 4PM EDT
- HQ OPA and regional press offices respond to press questions using statement and Q&A document

**EPA's Response to State and Tribal Recommendations for Areas Not Meeting the  
2012 Revised Primary Annual Fine Particle National Ambient Air Quality  
Standard Established in 2012**

**FACT SHEET**

**ACTION**

- On August 19, 2014, the U.S. Environmental Protection Agency (EPA) sent letters to state and tribal representatives in response to their initial recommendations for areas meeting and not meeting the 2012 revised primary annual fine particle (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS).
- These initial recommendations from the states and tribes are for the revised annual PM<sub>2.5</sub> NAAQS that EPA promulgated on December 14, 2012 (78 FR 3086, January 15, 2013). The standard was strengthened from 15.0 micrograms per cubic meter (µg/m<sup>3</sup>) to 12.0 µg/m<sup>3</sup>. This standard is in effect and EPA is moving forward with implementation as required by the Clean Air Act. EPA intends to:
  - Designate 14 areas (in six states) with monitors that violate the standards as “non-attainment”.
  - Because of data quality issues at state, local or privately owned labs, designate as “unclassifiable” 2 territories and 1 area in Indian country, 3 areas in Georgia, the entire state of Tennessee (except for 3 counties in the Chattanooga area), the entire state of Illinois, and 2 counties in Indiana and 4 counties and 1 city in Missouri.
  - Defer action for one year in 5 areas (primarily in Georgia, but also affecting single counties in South Carolina and Alabama)) because EPA believes that an additional year of monitoring data will result in 3 years of complete and valid data needed for designations. A small portion of the monitoring data from these areas was impacted by a winter storm that caused a power outage at the state-run lab responsible for processing the data.
  - Designate all other areas of the country as “unclassifiable/attainment.”
- States and tribes now have 120 days to work with and provide additional information to EPA before the Administrator makes final decisions for area designations. EPA plans to make final designations by the end of the year using air quality monitoring data from 2011, 2012, and 2013.
- After EPA sets a new NAAQS or revises an existing standard, the Agency works with the states and some tribes to formally identify or “designate” areas as nonattainment, attainment/unclassifiable, or unclassifiable.



- In a forthcoming *Federal Register* notice, EPA will announce a 30-day opportunity for the public to comment on the Agency's response to the state and tribal recommendations and the Agency's intended designations for each state and areas of Indian country.
  -
- Once designations take effect, they govern what subsequent regulatory actions states, tribes, and EPA must take to improve or preserve air quality in each area. EPA will work with the states and tribes to share the responsibility of reducing PM<sub>2.5</sub> air pollution.
- Current and upcoming federal standards and safeguards, including pollution reduction rules for power plants, vehicles and fuels, will assure steady progress to reduce pollution of fine particulate matter and will protect public health in communities across the country.
- History shows us that better health and cleaner air go hand-in-hand with economic growth. Working closely with the states and tribes, EPA is implementing the 2012 primary annual PM<sub>2.5</sub> standard using a common sense approach that improves air quality and minimizes burden on state and local governments. As part of this routine process, EPA is working closely with the states to identify areas in the country that meet the standard and those that need to take steps to reduce air pollution.

### ABOUT DESIGNATIONS

- The designation process begins with state governors evaluating air quality monitoring data across their state along with other factors such as sources of pollutants that either directly emit PM<sub>2.5</sub> or emit precursor pollutants that form PM<sub>2.5</sub>, and weather patterns then making recommendations to EPA for how all areas in the state should be designated. Tribal leaders may also make area recommendations but they are not required to do so.
- After EPA makes final designations, areas designated nonattainment (not meeting the standard or contributing to a violation in a nearby area) will be required to take action to improve their air quality.
  - As required by the Clean Air Act, those actions may include stricter controls on industrial facilities and additional planning requirements for transportation-related sources.
  - Nonattainment areas must implement "transportation conformity," which requires local transportation and air quality officials to coordinate planning to ensure that transportation-related emissions from projects such as road construction, do not interfere with an area's ability to reach its clean air goals. Transportation conformity requirements become effective one year after an area is designated as nonattainment.

- Nonattainment areas also are subject to new source review requirements. New Source Review is a permitting program for industrial facilities to ensure that new and modified sources of pollution do not impede progress toward cleaner air.
- Areas designated “attainment/unclassifiable” (areas that are monitoring attainment and/or for areas that do not have monitors but for which the EPA has reason to believe are likely attainment and are not contributing to nearby violations) will not have to take steps to improve air quality but they must continue to take steps to help prevent their air quality from deteriorating to unhealthy levels.
- Areas designated “unclassifiable” (areas where the EPA cannot determine based on available information whether the area is meeting or not meeting the NAAQS or where the EPA has not determined that the area contributes to a nearby violation) will not have to take steps to improve air quality at this time, but they must continue to take steps to help prevent their air quality from deteriorating to unhealthy levels.
- Areas for which the Agency has deferred action will be designated at a later date.
- State, local and tribal governments must detail control requirements in plans demonstrating how they will meet the 2012 primary annual PM<sub>2.5</sub> standard. Those plans are known as state implementation plans, or SIPs. States must submit their plans to EPA within 18 months from the effective date of designations – likely by Fall 2016.
- In April 2013, EPA issued guidance on *Area Designations for the 2012 Revised Annual Fine Particle National Ambient Air Quality Standard*, which provided information on the schedule and process for designating areas for the purpose of implementing the 2012 primary annual PM<sub>2.5</sub> standard.
  - The guidance also identified factors that the EPA will evaluate in making final nonattainment areas boundary decisions and that states and tribes should consider as they make their recommendations for area designations.
  - These factors are:
    - Air quality data,
    - Emissions and emissions related data,
      - a. Location of sources and population
      - b. Emissions levels and emissions controls
      - c. Traffic and commuting patterns
      - d. Growth rates and patterns
    - Meteorology (weather/transport patterns)
    - Geography/topography (mountain ranges or other air basin boundaries)
    - Jurisdictional boundaries (e.g., counties, air districts, reservations, metropolitan planning organizations)

- When considering the above factor analysis, the EPA looked at directly emitted PM<sub>2.5</sub> and its precursors (e.g., nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), volatile organic compounds (VOC), and ammonia (NH<sub>3</sub>)).
- EPA intends to use these factors and additional analytical tools to make its final decisions on designations and nonattainment area boundaries in December 2014.

**FOR MORE INFORMATION**

- For more information on the designation process for the 2012 primary annual PM<sub>2.5</sub> standard, and to view individual letters from EPA to states and tribes, go to EPA's Web site at <http://www.epa.gov/pmdesignations/>.
- Please direct questions to the following staff in the EPA's Office of Air Quality Planning and Standards: Beth Palma ([palma.elizabeth@epa.gov](mailto:palma.elizabeth@epa.gov), 919-541-5432) or Martha Keating ([keating.martha@epa.gov](mailto:keating.martha@epa.gov), 919-541-9407).

**To:** McCabe, Janet[McCabe.Janet@epa.gov]  
**From:** Adm13McCarthy, Gina  
**Sent:** Sun 8/10/2014 1:02:34 PM  
**Subject:** Re: OAR Hot list for 8/12

Gina McCarthy

On Aug 9, 2014, at 1:06 PM, "McCabe, Janet" <[McCabe.Janet@epa.gov](mailto:McCabe.Janet@epa.gov)> wrote:

## Ex. 6 - Personal Privacy

On Aug 9, 2014, at 10:33 AM, "McCabe, Janet" <[McCabe.Janet@epa.gov](mailto:McCabe.Janet@epa.gov)> wrote:

you're the best.

Just got off a call with Dan circling round on the things we talked about yesterday-- RFS, WH updates on biomass and methane, and the non-EPA 111d issues (NEPA, grouse).

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**From:** Adm13McCarthy, Gina  
**Sent:** Saturday, August 9, 2014 10:23 AM  
**To:** McCabe, Janet  
**Subject:** Re: OAR Hot list for 8/12

All good Janet. Thanks. My pen is ready when you are.

Gina McCarthy

On Aug 9, 2014, at 10:01 AM, "McCabe, Janet" <[McCabe.Janet@epa.gov](mailto:McCabe.Janet@epa.gov)> wrote:

OAR Hot List  
Week of August 11, 2014

Next week I'll be speaking on the Clean Power Plan at the National Caucus of Environmental Legislators meeting in Minneapolis. I am also meeting with the South Carolina Health Commissioner while I am in Atlanta for the National Ambient Air Monitoring Conference. We'll have a call with Region 9 states on Thursday, and others in OAR have individual calls with Arizona, Maine and New York state staff scheduled for next week.

PM Designation Letters: On Thursday, the RAs will be sending 120-day letters for the 2012 PM<sub>2.5</sub> annual standard designations, notifying governors of which areas we propose listing as nonattainment or unclassifiable in response to their recommendations. In all there are only 14 areas total proposed for nonattainment, 7 of which are currently nonattainment for the 1997 PM<sub>2.5</sub> annual standard, and only 2 areas new to nonattainment (West Silver Valley, ID partial Shoshone county; Plumas, CA). 5 areas were previously nonattainment but are now maintenance areas. States and tribes will then have the opportunity to comment on our modifications to their recommendations and to provide any new information. In the next few weeks, we'll also issue a Federal Register notice announcing the start of a 30 day public comment period. Both our press and OCIR folks are in the loop on this, and we will flag these actions for WH comms. The deadline for making the final designations is in December. This process has been complicated by the PM data issue EPA has identified. This will result in our taking an extra year for certain areas (mostly in Georgia) and designating the states of Tennessee and Illinois as "unclassifiable." My memo to the OIG was sent Friday afternoon.

## **Ex. 5 - Deliberative**

Just took Bob P off the distribution list—still can't believe it.



**To:** Adm13McCarthy, Gina[Adm13McCarthy.Gina@epa.gov]  
**Cc:** McCabe, Janet[McCabe.Janet@epa.gov]; Atkinson, Emily[Atkinson.Emily@epa.gov]; Beauvais, Joel[Beauvais.Joel@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Fritz, Matthew[Fritz.Matthew@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Goffman, Joseph[Goffman.Joseph@epa.gov]; KeyesFleming, Gwendolyn[KeyesFleming.Gwendolyn@epa.gov]; Powers, Tom[Powers.Tom@epa.gov]; Reynolds, Thomas[Reynolds.Thomas@epa.gov]; Rupp, Mark[Rupp.Mark@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]; Stewart, Lori[Stewart.Lori@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Niebling, William[Niebling.William@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]  
**From:** Deputy Administrator  
**Sent:** Sat 7/19/2014 3:51:58 PM  
**Subject:** Re: OAR Hot List 6-9-14

Simply remarkable work and progress. Thanks Janet

Bob Perciasepe  
USEPA  
202 368 8193 c  
202 564 4711 o

On Jul 19, 2014, at 10:52 AM, "Adm13McCarthy, Gina" <Adm13McCarthy.Gina@epa.gov> wrote:

As always - great and and for me, no surprises. Just the way I like it. Re: PM letters, we need to make sure oath at WH has heads up and that we have the right messaging and coma strategy around this.

[REDACTED]

Thanks

(b)(5)  
deliberative

Gina McCarthy

On Jul 19, 2014, at 9:03 AM, "McCabe, Janet" <McCabe.Janet@epa.gov> wrote:

OAR Hot List  
Week of July 21, 2014

Clean Power Plan

**Ex. 5 - Deliberative**

# **Ex. 5 - Deliberative**



# Ex. 5 - Deliberative

Coming up:

The 120 day letters to the states on designations for the 2012 PM2.5 NAAQS need to go out by August 14 in order to meet our December deadline for finalizing designations. There are not that many areas in total for which we'll be recommending nonattainment (14 areas/41 counties in 6-7 states), but there are some other areas in IL, TN and GA where there are data issues that are complicating. The Regions are in close communications with the states, as always. We'll be setting up a briefing for you.

See you at the Budget Forum and Leadership meetings next week.

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**To:** Adm13McCarthy, Gina[Adm13McCarthy.Gina@epa.gov]; Atkinson, Emily[Atkinson.Emily@epa.gov]; Beauvais, Joel[Beauvais.Joel@epa.gov]; Feldt, Lisa[Feldt.Lisa@epa.gov]; Fritz, Matthew[Fritz.Matthew@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Goffman, Joseph[Goffman.Joseph@epa.gov]; KeyesFleming, Gwendolyn[KeyesFleming.Gwendolyn@epa.gov]; Powers, Tom[Powers.Tom@epa.gov]; Reynolds, Thomas[Reynolds.Thomas@epa.gov]; Rupp, Mark[Rupp.Mark@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]; Stewart, Lori[Stewart.Lori@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Niebling, William[Niebling.William@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]  
**From:** McCabe, Janet  
**Sent:** Sat 8/9/2014 2:01:42 PM  
**Subject:** OAR Hot list for 8/12

OAR Hot List  
Week of August 11, 2014

# Not Responsive

PM Designation Letters: On Thursday, the RAs will be sending 120-day letters for the 2012 PM<sub>2.5</sub> annual standard designations, notifying governors of which areas we propose listing as nonattainment or unclassifiable in response to their recommendations. In all there are only 14 areas total proposed for nonattainment, 7 of which are currently nonattainment for the 1997 PM<sub>2.5</sub> annual standard, and only 2 areas new to nonattainment (West Silver Valley, ID partial Shoshone county; Plumas, CA). 5 areas were previously nonattainment but are now maintenance areas. States and tribes will then have the opportunity to comment on our modifications to their recommendations and to provide any new information. In the next few weeks, we'll also issue a Federal Register notice announcing the start of a 30 day public comment period. Both our press and OCIR folks are in the loop on this, and we will flag these actions for WH comms. The deadline for making the final designations is in December. This process has been complicated by the PM data issue EPA has identified. This will result in our taking an extra year for certain areas (mostly in Georgia) and designating the states of Tennessee and Illinois as "unclassifiable." My memo to the OIG was sent Friday afternoon.

(b)(5) deliberative



web tables of 2013 air quality data that show continued improvement in national air quality, including PM and ozone. The tables are of "design values" for various pollutants like particles, ozone and lead.

# **Ex. 5 - Deliberative**

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**EPA's Response to State and Tribal Recommendations for Areas Not Meeting the  
2012 Revised Primary Annual Fine Particle National Ambient Air Quality  
Standard Established in 2012**

**FACT SHEET**

**ACTION**

- On August 19, 2014, the U.S. Environmental Protection Agency (EPA) sent letters to state and tribal representatives in response to their initial recommendations for areas meeting and not meeting the 2012 revised primary annual fine particle (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS).
- These initial recommendations from the states and tribes are for the revised annual PM<sub>2.5</sub> NAAQS that EPA promulgated on December 14, 2012 (78 FR 3086, January 15, 2013). The standard was strengthened from 15.0 micrograms per cubic meter (µg/m<sup>3</sup>) to 12.0 µg/m<sup>3</sup>. This standard is in effect and EPA is moving forward with implementation as required by the Clean Air Act.
- EPA intends to designate 14 areas (in six states) with monitors that violate the standards as “nonattainment.”
- Through a combination of regularly scheduled technical systems audits of non-EPA laboratories processing state fine particle pollution monitoring data and additional assessments of data quality, EPA has identified data quality issues that affect the Agency’s proposed designations for a number of areas. To address these areas, EPA intends to designate as “unclassifiable” 2 territories, 1 area in Indian country, 3 areas in Georgia, the entire state of Tennessee (except for 3 counties in the Chattanooga area), the entire state of Illinois, and 2 counties in Indiana and 4 counties and 1 city in Missouri (related to the unclassifiable status of Illinois). The agency has invalidated PM<sub>2.5</sub> data from a number of monitoring sites that would have been used to assess compliance with the 2012 PM<sub>2.5</sub> NAAQS. EPA is working to ensure corrective actions are taken at each of the affected laboratories.
- As part of a Clean Air Act process to ensure that all areas have complete data before designations are made, EPA is deferring designations for 1 year for five areas (primarily in Georgia, but also affecting single counties in South Carolina and Alabama) because EPA believes that an additional year of monitoring data will result in 3 years of complete and valid data needed for designations. A small portion of the monitoring data from these areas was impacted by a winter storm that caused a power outage at the state-run lab responsible for processing the data.
- The Agency intends to designate all other areas of the country as “unclassifiable/attainment.”

- States and tribes now have 120 days to work with and provide additional information to EPA before the Administrator makes final decisions for area designations. EPA plans to make final designations in December 2014 using air quality monitoring data from 2011, 2012, and 2013.
- After EPA sets a new NAAQS or revises an existing standard, the Agency works with the states and some tribes to formally identify or “designate” areas as nonattainment, attainment/unclassifiable, or unclassifiable.
- In a forthcoming *Federal Register* notice, EPA will announce a 30-day opportunity for the public to comment on the Agency’s response to the state and tribal recommendations and the Agency’s intended designations for each state and areas of Indian country.
- Once designations take effect, they govern what subsequent regulatory actions states, tribes, and EPA must take to improve or preserve air quality in each area. EPA will work with the states and tribes to share the responsibility of reducing PM<sub>2.5</sub> air pollution.
- Current and upcoming federal standards and safeguards, including pollution reduction rules for power plants, vehicles and fuels, will assure steady progress to reduce pollution of fine particulate matter and will protect public health in communities across the country.
- History shows us that better health and cleaner air go hand-in-hand with economic growth. Working closely with the states and tribes, EPA is implementing the 2012 primary annual PM<sub>2.5</sub> standard using a common sense approach that improves air quality and minimizes burden on state and local governments. As part of this routine process, EPA is working closely with the states to identify areas in the country that meet the standard and those that need to take steps to reduce air pollution.

#### ABOUT DESIGNATIONS

- The designation process begins with state governors evaluating air quality monitoring data across their state along with other factors such as sources of pollutants that either directly emit PM<sub>2.5</sub> or emit precursor pollutants that form PM<sub>2.5</sub>, and weather patterns then making recommendations to EPA for how all areas in the state should be designated. Tribal leaders may also make area recommendations but they are not required to do so.
- After EPA makes final designations, areas designated nonattainment (not meeting the standard or contributing to a violation in a nearby area) will be required to take action to improve their air quality.
  - As required by the Clean Air Act, those actions may include stricter controls on

- industrial facilities and additional planning requirements for transportation-related sources.
- Nonattainment areas must implement “transportation conformity,” which requires local transportation and air quality officials to coordinate planning to ensure that transportation-related emissions from projects such as road construction, do not interfere with an area’s ability to reach its clean air goals. Transportation conformity requirements become effective one year after an area is designated as nonattainment.
  - Nonattainment areas also are subject to new source review requirements. New Source Review is a permitting program for industrial facilities to ensure that new and modified sources of pollution do not impede progress toward cleaner air.
- Areas designated “attainment/unclassifiable” (areas that are monitoring attainment and/or for areas that do not have monitors but for which the EPA has reason to believe are likely attainment and are not contributing to nearby violations) will not have to take steps to improve air quality but they must continue to take steps to help prevent their air quality from deteriorating to unhealthy levels.
  - Areas designated “unclassifiable” (areas where the EPA cannot determine based on available information whether the area is meeting or not meeting the NAAQS or where the EPA has not determined that the area contributes to a nearby violation) will not have to take steps to improve air quality at this time, but they must continue to take steps to help prevent their air quality from deteriorating to unhealthy levels.
  - Areas for which the Agency has deferred action will be designated at a later date.
  - State, local and tribal governments must detail control requirements in plans demonstrating how they will meet the 2012 primary annual PM<sub>2.5</sub> standard. Those plans are known as state implementation plans, or SIPs. States must submit their plans to EPA within 18 months from the effective date of designations – likely by Fall 2016.
  - In April 2013, EPA issued guidance on *Area Designations for the 2012 Revised Annual Fine Particle National Ambient Air Quality Standard*, which provided information on the schedule and process for designating areas for the purpose of implementing the 2012 primary annual PM<sub>2.5</sub> standard.
    - The guidance also identified factors that the EPA will evaluate in making final nonattainment areas boundary decisions and that states and tribes should consider as they make their recommendations for area designations.
    - These factors are:
      - Air quality data,
      - Emissions and emissions related data,

- a. Location of sources and population
  - b. Emissions levels and emissions controls
  - c. Traffic and commuting patterns
  - d. Growth rates and patterns
- Meteorology (weather/transport patterns)
- Geography/topography (mountain ranges or other air basin boundaries)
- Jurisdictional boundaries (e.g., counties, air districts, reservations, metropolitan planning organizations)
- When considering the above factor analysis, the EPA looked at directly emitted PM<sub>2.5</sub> and its precursors (e.g., nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), volatile organic compounds (VOC), and ammonia (NH<sub>3</sub>)).
- EPA intends to use these factors and additional analytical tools to make its final decisions on designations and nonattainment area boundaries in December 2014.

#### FOR MORE INFORMATION

- For more information on the designation process for the 2012 primary annual PM<sub>2.5</sub> standard, and to view individual letters from EPA to states and tribes, go to EPA's Web site at <http://www.epa.gov/pmdesignations/>.
- Please direct questions to the following staff in the EPA's Office of Air Quality Planning and Standards: Beth Palma ([palma.elizabeth@epa.gov](mailto:palma.elizabeth@epa.gov), 919-541-5432) or Martha Keating ([keating.martha@epa.gov](mailto:keating.martha@epa.gov), 919-541-9407).